



29 AUG 2007

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In re Application of	:	
OSER et al.	:	
Application No.: 10/589,409	:	DECISION
PCT No.: PCT/EP2005/050595	:	
Int. Filing Date: 10 February 2005	:	
Priority Date: 12 February 2004	:	
Attorney Docket No.: 5151-20PUS	:	
For: METHOD AND INSTALLATION FOR	:	
CONVERTING THERMAL ENERGY FROM FLUIDS	:	
INTO MECHANICAL ENERGY	:	

This is a decision on applicants' "PETITION UNDER 37 CFR 1.47(a)" filed 11 July 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 10 February 2005, applicants filed international application PCT/EP2005/050595, which designated the United States and claimed a priority date of 12 February 2004. A copy of the international application was communicated from the International Bureau to the USPTO on 25 August 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 14 August 2006 (12 August 2006 being a Saturday).

On 11 August 2006, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee, a purported English translation of the international application into English, and an assertion of small entity status.

On 11 April 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) were required.

On 11 July 2007, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of inventors, the surcharge under 37 CFR 1.492(h), a petition/fee for a one-month extension of time, a declaration of facts by Erwin Oser, a copy of a

letter from Mr. Oser to non-signing joint inventor Michael Rannow dated 02 November 2006 and an English translation thereof, a copy of a letter from a Certified Mail service to Mr. Oser dated 15 November 2006 and an English translation thereof, a copy of a signed Certified Mail Receipt, and a copy of an e-mail from Mr. Rannow to Hubert Hamm with a CC to Mr. Oser dated 06 November 2006 and an English translation thereof.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As to item (1), the fee has been paid.

As to item (2), it has been established that the non-signing inventor Michael Rannow refuses to execute the application.

As to item (3), a statement of the last known address of the non-signing inventor has been provided.

As to item (4), a declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor has been provided.

Declaration of Inventors

The declaration of inventors filed 11 July 2007 is in compliance with 37 CFR 1.497(a)-(b).

Translation

Applicants have not yet submitted an accurate translation of the international application as filed. In the translation filed 11 August 2006, a translation of the Figure was not provided. Unless the expression "Fig." is used to identify the drawing(s) in the international application as filed, the expression used to identify the drawing(s) must be translated. See PCT Rule 49.5(f). In the submission filed 11 August 2006, no such translation was provided.

CONCLUSION

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT

Legal Administration.

Regarding the translation, applicants are required to file a proper translation of the drawings within **TWO (2) MONTHS** from the date of mailing of this supplemental decision. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper reply will result in abandonment of the application.



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